

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2 (c)  
Robert C. Nisenson, LLC  
10 Auer Court  
East Brunswick, New Jersey 08816  
(732-238-8777  
Robert C. Nisenson, Esq.  
Attorneys for Debtor  
RCN 6680

In the Matter of

DARYL SMITH

DEBTORS



Order Filed on January 3, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-10180

Judge: VFP

**ORDER TO APPROVE CREDITORS MODIFICATION AGREEMENT**

The relief set forth on the following pages, numbered two (2) through 3 is hereby **ORDERED**.

**DATED: January 3, 2019**

  
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**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

**ROBERT C. NISENSEN, L.L.C.**

10 Auer Court  
East Brunswick, New Jersey 08816  
(732) 238-8777  
Attorneys for Debtors  
Robert C. Nisenson, Esq.  
Attorney No.: RCN 6680

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

<b>In Re:</b>	:	Case #: 18-10180 VFP
	:	
<b>DARYL SMITH</b>	:	Chapter 13
	:	
	:	<b>ORDER TO APPROVE</b>
<b>Debtors.</b>	:	<b>MODIFICATION AGREEMENT</b>
	:	

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This matter having been opened to the Court upon motion of Daryl Smith, by and through their attorneys, **ROBERT C. NISENSEN, L.L.C.**, seeking an Order to approve a Loan Modification Agreement, Ocwen Loan Servicing and the Debtor appearing by its counsel and the Court having considered all supporting and opposing Affidavits, and Briefs, if any; and good cause appearing for the entry of this Order;

**ORDERED** the Debtors and Ocwen Loan Servicing are authorized to enter into the Loan Modification Agreement and it is further;

**ORDERED** in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification; and it is further

**ORDERED**, that the Chapter 13 Trustee shall suspend disbursements to Secured Creditor pending completion of loan modification and all money that would otherwise to be paid to Secured Creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the Secured Creditor that the modification was not consummated; and it is further

**ORDERED**, in the event the modification is not consummated, the Secured Creditor shall notify the Trustee and Debtor's Attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to Secured Creditor; and it is further

**ORDERED**, in the event the proof of claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan; and it is further

**ORDERED**, Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order; and it is further

**ORDERED**, that the Secured Creditor will reduce their proof of claim within 20 days, otherwise Debtors will have to file a Motion to Reduce the Claim and will charge the creditor \$400.00 for the filing of said motion.

**ORDERED** that a copy of this Order shall be served upon all parties within 3 days of the date hereof.